

PREFACE ITEM

APPLICATION NO. 15/0597/FULL

APPLICANT(S) NAME: Mr R Evans

PROPOSAL: Install a single medium scale turbine measuring 50m to hub and 77.9m to blade tip with associated infrastructure and access

LOCATION: Pen-yr-heol Farm Commin Road Hollybush
Blackwood

A copy of the planning report (attached) was considered at the Planning Committee held on the 4th November 2015, at which time Members resolved not to accept the recommendation to refuse planning permission, but that a further report should be presented for approval.

Members considered the comments in support of the application were a material consideration and outweighed the officer's reason for refusal.

If Members are minded to approve the application the following conditions are proposed:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The permission hereby granted shall expire 25 years from the date when electricity is first exported from Penyrheol Farm wind turbine. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.

REASON: In order to retain effective control over the development.

3. Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the wind turbine facility, whichever is sooner, the wind turbine and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity.

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4. No works shall commence on site until after a revised Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority which provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. All improvements must be implemented before the movement of any abnormal load can take place. The plan will need to indicate full consultation and approval with neighbouring Authorities which the loads pass through, consultation and approval with the Welsh Government and South Wales Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency. The development shall be carried out in accordance with the agreed Traffic Management Plan.

REASON: In the interest of highway safety.

5. Prior to the transportation of any AIL turbine components; a highway condition survey along Cwm Road to the application shall be carried out and agreed in writing with the Local Planning Authority, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.

REASON: In the interest of highway safety.

6. Before the transportation of AIL components commence to site the hauler's indemnity insurance must be inspected by the Highway Authority and written approval granted from the Authority's Chief Legal Officer.

REASON: In the interest of highway safety.

7. The level of noise from the wind turbine (hereby approved) measured at the location(s) stipulated shall not exceed the noise levels up to the relevant wind speeds at 10m height as stipulated within Tables 1 and 2 attached to this consent.

REASON: In the interest of the amenity of noise sensitive properties.

8. During the course of the investigation, should the wind turbine or turbines be identified as operating above the parameters specified in Condition 1 (above), the wind turbines will be modified, limited or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

REASON: In the interest of the amenity of noise sensitive properties.

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9. Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.

REASON: In the interest of the amenity of noise sensitive properties.

10. Following the commission of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.

REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.

11. Deliveries and construction works associated with the wind turbine hereby approve shall not take place outside the hours of 08.00 and 18.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

12. Unless otherwise agreed in writing with the Local Planning Authority, prior to the commissioning of the wind turbine hereby approved it shall have been fitted with a control system that automatically shuts down the turbines during times should shadow flicker occur, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority.

REASON: To control flicker in the interests of the amenity of nearby flicker-sensitive properties.

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13. Prior to the commencement of the development; hereby approved a scheme for the control of dust arising from construction of the development; shall be submitted to and agreed in writing with the local planning authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.

REASON: In the interest of residential amenity.

14. Prior to the commencement of works on site, details of the position and footprint of the works associated with the access route on Mynydd Bewellte Common together with a working methodology to minimise disturbance of acid grassland and heath habitat, shall be submitted for the agreement of the Local Planning Authority. The agreed measures shall be carried out in accordance with the agreed details.

REASON: To minimise impact on protected habitats and species.

15. No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent Ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.

REASON: To ensure that reptiles are protected.

16. Site vegetation clearance associated with the development on Mynydd Bedwellte Common hereby approved shall not take place during the breeding season for birds from March to August inclusive in any given year unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act (as amended) and the Countryside and Rights of Way Act 2000.

17. Prior to the commencement of operation of the turbine, details of a monitoring programme for breeding ground nesting birds shall be submitted for approval of the Local Planning Authority together with any necessary mitigation measures. The approved programme and agreed mitigation measures shall be strictly complied with.

REASON: To minimise impact on protected birds.

18. No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

REASON: To ensure the development is served by an appropriate means of drainage.

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RECOMMENDATION: That planning permission is refused in accordance with the recommendation in the attached report, but if Members are minded to grant permission, that consent be granted subject to the conditions set out in the report above.
